



Disability Rights Connecticut
"Connecticut's protection and advocacy system"

**846 Wethersfield Avenue
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Testimony of Deborah A. Dorfman before the Committee on Education and on House Bill 6883, An Act Concerning Students with Developmental Disabilities

Distinguished members of the Committee on Education:

My name is Deborah A. Dorfman. I am the Executive Director and an Attorney at Disability Rights Connecticut (DRCT). DRCT is the protection and advocacy system for Connecticut, serving individuals with a full range of physical, behavioral, intellectual, and developmental disabilities. I submit this testimony to provide the Committee with important information about how H.B. 6883 would affect people with intellectual and other developmental disabilities (IDD). Specifically, as I will explain below, the proposed legislation has some important aspects that would be beneficial to people with IDD. However, there is also at least one provision of the bill that is harmful to people with IDD.

Among the beneficial provisions include the codification in state law of the Court's decision in *A.R.*, a case in which DRCT represents the plaintiff, that requires the provision of special education to eligible students up until their 22nd birthday. This proposed amendment would bring Connecticut State law regarding the provision of special education into compliance with the *A. R.* ruling and with federal law requirements under the Individuals with Disabilities Education Act (IDEA).

Another beneficial provision of this proposed legislation is that it would require interpreters at Planning and Placement Team (PPT) meetings to develop the Individual Education Plans for students in special education. By requiring the provision of interpreters where necessary, the PPT process will likely become more inclusive and will enhance the ability for parents and students to meaningfully participate in the PPT process and participate as PPT team members consistent with the intent of the IDEA.

While much of the proposed legislation would be beneficial to people with IDD, there is one provision that, due to a glaring omission, would be harmful to people with IDD and their families. Specifically, Section 13(F)(ii) of HB 6883 would require that:

[a]t the first planning and placement team meeting when a child or pupil reaches the age of seventeen, the responsible local or regional board of education shall inform the parent, guardian or surrogate parent

of any child who may have an intellectual disability, as defined in section 1-1g, of the laws relating to becoming a conservator for such child through application to a probate court.

Section 13(F)(ii) has the potential for having a negative impact on people with IDD in several respects, arising out of the fact that the proposed language does not include a requirement to provide individuals and their families with **all** options, including less restrictive alternatives such as supported decision-making (SDM) and other guardianship alternatives. SDM involves the person with the disability selecting a person or persons to support them, often through a supported decision-making agreement, in making decisions about their lives for which they would like and need assistance.

First, there is an increasing consensus that alternatives to guardianship and conservatorship, such as SDM, should be used in lieu of guardianship and conservatorship whenever possible. SDM is recognized as an important means by which to support people with intellectual other disabilities in making a broad range of decisions about their lives. For example, SDM has been endorsed by the American Bar Association (ABA) in the ABA's 2017 Supported Decision-Making Resolution number 113, available at [2017 Supported Decision-making Resolution \(americanbar.org\)](https://www.americanbar.org/resolutions/2017_supported_decision-making_resolution). In this resolution, the ABA urged states to amend their guardianship statutes to include supported decision-making as a lesser restrictive alternative to guardianship. Additionally, a number of states have passed supported decision-making legislation including, for example, Washington State, Texas, the District of Columbia, Alaska, Colorado, and Rhode Island, among others.

Second, without requiring the provision of information about alternatives to guardianship and conservatorship alternatives, there is a high risk of overuse of guardianship and/or conservatorship, which, in turn, results in significant, and often unnecessary, deprivation of civil rights. And, once a guardianship or conservatorship has been established, it is often difficult to have it removed and to have the person's rights restored. Omitting information about such alternatives suggests, wrongly, that guardianship or conservatorship is in fact always necessary when that is simply not true. Instead, other options such as supported decision-making alone or in combination with other less restrictive alternatives may well be sufficient to assist the person with IDD in making decisions about their lives, including, but not limited to, education and transition services. Individuals with IDD and their families would benefit greatly if they were provided with the full range of information so that they could make a truly informed choice about what support best meets their individual needs.

Finally, this proposed provision in HB 6883 serves to further perpetuate antiquated stereotypes about people with IDD and their abilities to engage in decision-making and exercise personal agency. All too often there is the incorrect presumption that a person with ID needs a guardian or conservator. This presumption sets in motion often unnecessary establishment of guardianship or conservatorship, which is highly restrictive and often leaves the person with the disability little to no opportunity to have

any say over how they can live their lives. These restrictions often include decisions about virtually every aspect of their lives including, for example, where a person resides, with whom they reside, where and whether they can work and/or go to school, and with whom they can associate, among other important decisions about how they live their lives. This view runs counter to the Americans with Disabilities Act and other antidiscrimination laws.

Thank you for the opportunity to provide you with this testimony.